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Agenda item 12
Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-fourth session

Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision ISBA/23/C/18,

1. *Takes note with appreciation* of the reports of the Chair of the Legal and Technical Commission on the work of the Commission at the first and second parts of its twenty-fourth session[1] and of the note by the Commission on draft regulations on exploitation of mineral resources in the Area;[2]

2. *Welcomes* the continued work of the secretariat and the Commission on the regulations on exploitation, and requests that work on the regulations continue as a matter of priority;

3. *Requests* that both the Commission's recommendations regarding the current draft regulations and their next iteration be circulated sufficiently in advance of the meeting of the Council at which they will be considered, to allow for substantive consideration and discussion, and emphasizes the ongoing need for openness and transparency;

4. *Requests* the Commission to consider, as appropriate, the submissions received since the twenty-third session in the context of its work, including on the draft regulations from: Algeria, on behalf of the African Group, entitled "Request for consideration by the Council on the African Group's proposal for the operationalization of the Enterprise" and "Request for consideration by the Council of the African Group's proposal on the economic model/payment regime and other financial matters in the draft exploitation regulations under review"; Belgium, entitled "Strengthening the environmental scientific capacity of the International Seabed Authority"; and Germany, entitled "Suggestions for facilitating the work of

[1] ISBA/24/C/9 and ISBA/24/C/9/Add.1.
[2] ISBA/24/C/20.

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the International Seabed Authority";[3] as well as the report of the Secretary-General on considerations relating to a proposal by the Government of Poland for a possible joint-venture operation with the Enterprise;[4]

5. *Requests* the Commission and the Secretariat to implement, as appropriate, the recommendations contained in the submission by the Netherlands entitled "Overview of existing measures, means and actions relating to the protection and conservation of the marine environment in areas beyond national jurisdiction",[5] within available resources;

6. *Notes with appreciation* the Commission's consideration of 27 annual reports on activities carried out by contractors in 2017, welcomes in particular the presentation of well-structured reports complying with the template issued by the Commission by the overwhelming majority of contractors, but regrets the cases of contractors not following the reporting requirements, and also regrets that, at the current rate of progress, some contractors risk being unable to deliver on their commitments for the initial five-year period of the plans of work established in their contracts for exploration;

7. *Emphasizes* the importance for contractors to take into account and respond to the Commission's advice on annual reports in a timely manner;

8. *Requests* the Secretary-General to communicate the various issues identified during the Commission's review of the annual reports of contractors to the relevant contractors and sponsoring States;

9. *Takes note of* the report of the Secretary-General on information relating to compliance by contractors with plans of work for exploration,[6] requests that the Secretary-General report to the Council on an annual basis, identifying instances of alleged non-compliance and the regulatory action recommended or to be taken in accordance with the United Nations Convention on the Law of the Sea, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982[7] and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council, and invites the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under a contract for exploration, in accordance with article 139 of the Convention;

10. *Urges* all contractors to comply with their reporting requirements and to make their environmental data readily and publicly available, noting that the Authority needs all contractors to collect samples consistently and to fully report environmental and geological data in a digital format to support, inter alia, the development of regional environmental management plans;

11. *Acknowledges* that most of the contractors have fully implemented training programmes and offered further training opportunities;

12. *Notes* the environmental workshops held in Qingdao, China, in May 2018, and in Szczecin, Poland, in June 2018, and looks forward to receiving reports of those meetings;

13. *Notes also* that a technical workshop on the criteria for the selection of impact reference zones and preservation reference zones was held in Berlin from 27 to 29 September 2017, that a second workshop, dedicated to the review of the status of

[3] ISBA/24/C/18.
[4] ISBA/24/C/12.
[5] ISBA/24/C/15.
[6] ISBA/24/C/4.
[7] United Nations, *Treaty Series*, vol. 1836, No. 31364.

implementation of the environmental management plan for the Clarion-Clipperton Zone, will be held during the second half of 2018, and that a third workshop, jointly hosted by the secretariat and the International Cable Protection Committee, will be held in Bangkok, from 29 to 30 October 2018; and encourages the secretariat to work closely with the Commission and members of the Authority to provide early notice of those and other workshops and ensure the broadest participation of all concerned States parties and other stakeholders;

14. *Encourages* the Secretariat and the Commission to make progress on the development of environmental management plans in other international seabed area zones, in particular where there are currently exploration contracts, recalling paragraph 60 of General Assembly resolution 70/235 of 23 December 2015;

15. *Welcomes* the secretariat's progress towards the implementation of the data management strategy of the Authority, including public access to non-confidential data, and notes that the database is expected to be launched by the end of October 2018;

16. *Notes* that, owing to the heavy workload of the Commission and time constraints, the Commission was unable to discuss other matters referred to it by the Council, and requests the Secretary-General to ensure that adequate time and resources continue to be made available to support the work of the Commission, especially on priority issues, including further progress on the draft regulations on exploitation;

17. *Notes with concern* the sharp deficit in the voluntary trust fund for the purpose of defraying the cost of participation of members of the Commission and of the Finance Committee from developing countries in meetings of the Commission and of the Committee, welcomes the contributions made, and urges additional contributions to the fund from members of the Authority, as well as other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private individuals;

18. *Encourages* the Commission to hold open meetings more frequently to allow for greater transparency in its work;

19. *Welcomes* the report of the Secretary-General on the implementation of the decision of the Council in 2017 relating to the summary report of the Chair of the Commission,[8] and notes that this was the second such report of the Secretary-General;

20. *Requests* the Secretary-General to report to the Council on the implementation of the present decision at its twenty-fifth session, in 2019, and that such annual reporting remain on the Council's agenda as a standing item.

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[8] ISBA/24/C/6.